AN ORDINA

ESTABLISHING

Building Zones and Regula

and Providing Penalities

for their Violations.

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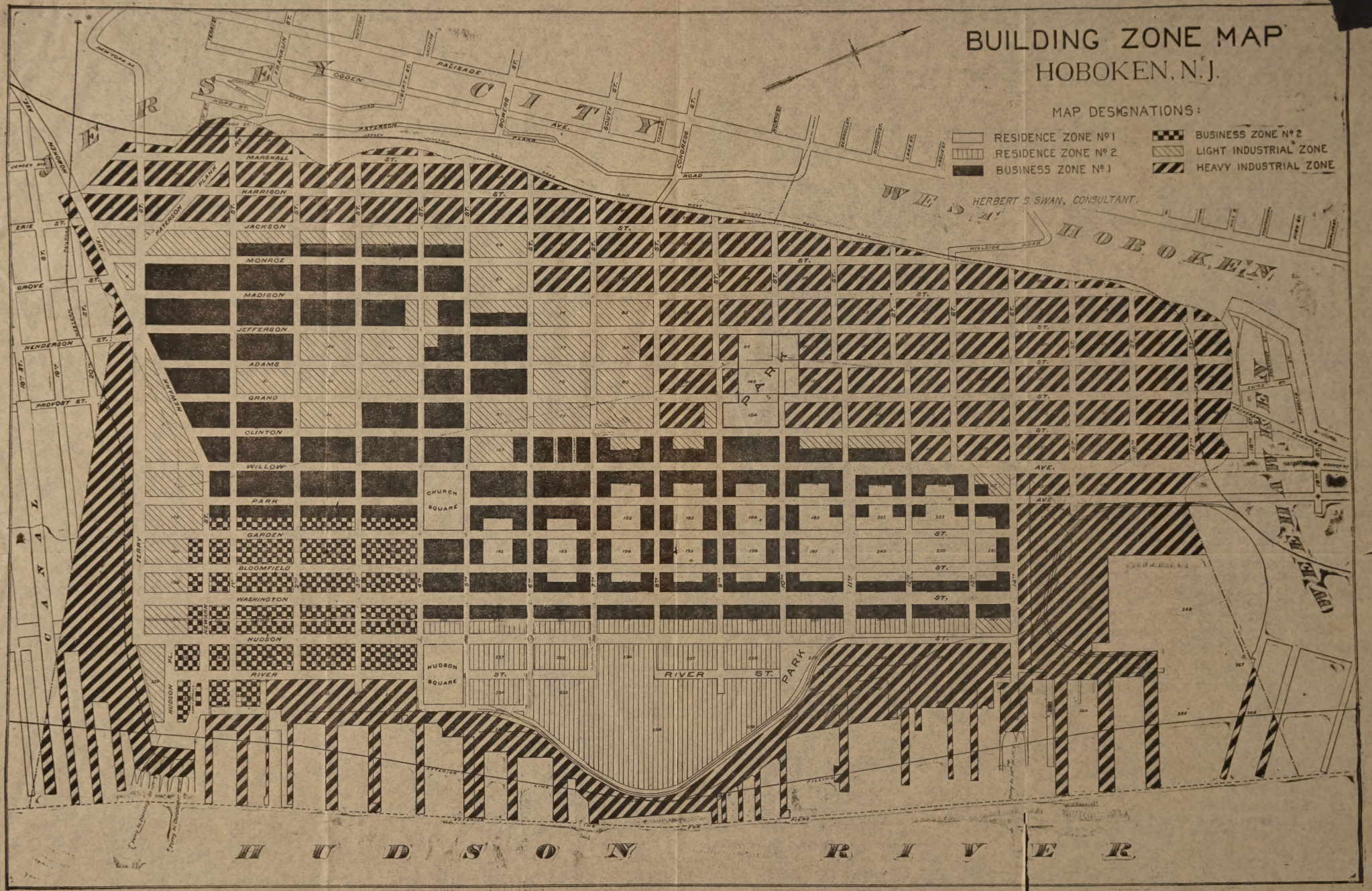
BUILDING ZONE MAP
HOBOKEN, N.J.
MAP DESIGNATIONS:
RESIDENCE ZONE Nº 1
RESIDENCE ZONE Nº 2
BUSINESS ZONE Nº 1
BUSINESS ZONE Nº 2
LIGHT INDUSTRIAL ZONE
HEAVY INDUSTRIAL ZONE
HERBERT S. SWAN, CONSULTANT.
JERSEY CITY
WEST HOBOKEN
HUDSON RIVER
MARSHALL ST.
HARRISON ST.
JACKSON ST.
MONROE ST.
MADISON ST.
JEFFERSON ST.
ADAMS ST.
GRAND ST.
CLINTON ST.
WILLOW AVE.
PARK AVE.
GARDEN ST.
BLOOMFIELD ST.
WASHINGTON ST.
HUDSON ST.
CHURCH SQUARE
HUDSON SQUARE
RIVER ST.
PARK
PALISADE AVE.
OGDEN
HOBOKEN
ERIE ST.
GROVE ST.
HENDERSON ST.
PROVOST ST.
CANAL ST.
FERRY
HILLSIDE ROAD
PARK AVE.
HUDSON PL.

CITY

PALISADE

AVE.

BOULEVARD

GODEN

CHURCH

SQUARE

AN ORDINANCE establishing building zones and regulations and providing penalties for their violation.

The Board of Commissioners of the Mayor and Council of the City of Hoboken do ordain as follows:

SECTION I.

Kinds of Zones.

For the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for specified uses, for the purpose of regulating and limiting the height and bulk of buildings hereafter erected and for the purpose of regulating and determining the area of yards, courts and other open spaces for buildings hereafter erected, the City of Hoboken is hereby divided into six classes of zones:

1. Residence zones No. 1.
2. Residence zones No. 2.
3. Business zones No. 1.
4. Business zones No. 2.
5. Light Industrial zones; and
6. Heavy Industrial zones;

as shown on the building zone map which accompanies this ordinance and is hereby declared to be a part thereof. The zones designated on said map are hereby established. The zone designations which accompany said building zone map are hereby declared to be a part thereof. No building or premises shall be erected or used for any purpose other than a purpose permitted in the zone in which such building or premises is located. No building or part of a building shall be erected except in conformity with the regulations herein prescribed for the zones in which such building is located.

SECTION II.

Use Regulations Controlling Residence Zones.

In any residence zone, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, except for one or more of the following uses:

1. Dwellings or tenements, including the office of a physician, surgeon, dentist, artist or musician when situated in the same dwelling or apartment used by such physician, surgeon, dentist, artist or musician as his private dwelling.
2. Boarding houses.
3. Hotels.
4. Churches.
5. Schools, libraries or public museums.
6. Clubs, except clubs the chief activity of which is a service carried on as a business.
7. Philanthropic or eleemosynary uses or institutions, other than correctional institutions.
8. Accessory uses customarily incident to the above uses, the term accessory use, however, not including a business or any building or use not located on the same lot with the building to which it is accessory. A garage or a group of garages for more than three motor vehicles shall not be permitted as an accessory use.

SECTION III.

Use Regulations Controlling Business Zones.

In a business zone, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

1. Bag cleaning establishment.
2. Blacksmith shop or horseshoeing establishment.
3. Bottling works.
4. Building material storage yard.
5. Carting, express, hauling or storage yard.
6. Contractor's plant or storage yard.
7. Coal, coke, lumber or wood yard.
8. Dry cleaning establishment employing more than four persons.
9. Garage or group of garages for more than five motor vehicles except as permitted in Section XII.
10. Ice plant or storage.
11. Laundry employing more than four employees.
12. Livery or boarding stables.
13. Milk distributing station.
14. Motor vehicle service station, except as permitted in Section XII.
15. Stone yard or monument works.
16. Storage or baling of scrap paper, iron, bottles, rags or junk.
17. Any trade, industry or use prohibited in an industrial zone.
18. Any kind of manufacture or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

No use permitted in a residence zone shall be excluded from a business zone. Nothing in this section shall be deemed to exclude a newspaper establishment, a car barn or an electric sub-station in a business zone.

SECTION IV.

Use Regulations Controlling Light Industrial Zones.

In a light industrial zone, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

1. Acetylene gas manufacture.
2. Asphalt manufacture or refining.
3. Blast furnace.
4. Boiler works.
5. Brick, tile or terra cotta manufacture.
6. Coke ovens.
7. Crematory.
8. Creosote treatment or manufacture.
9. Disinfectant, insecticide or poison manufacture.
10. Distillation of coal, wood or bones.
11. Dyestuff manufacture.
12. Emery cloth and sandpaper manufacture.
13. Forge plant.
14. Gas (illuminating or heating) storage in excess of 10,000 cubic feet.
15. Iron, steel, brass or copper works or foundry.
16. Lamp black manufacture.
17. Lime, cement or plaster of paris manufacture.
18. Oilcloth or linoleum manufacture.
19. Paint, oil, shellac, turpentine or varnish manufacture.
20. Potash works.

21. Printing ink manufacture.

22. Pyroxlin plastic manufacture or the manufacture of articles therefrom.

23. Rock or stone crusher.

24. Rolling mill.

25. Rubber or gutta percha manufacture or treatment.

26. Sauerkraut manufacture.

27. Sausage manufacture.

28. Shoeblacking or stove polish manufacture.

29. Smelters.

30. Stockyards.

31. Sugar refining.

32. Tallow, grease or lard manufacture or refining.

33. Tar distillation or manufacture.

34. Tar roofing or waterproofing manufacture.

35. Tobacco (chewing) manufacture or treatment.

36. Vinegar manufacture.

37. Wool pulling or scouring.

38. Yeast plant.

39. Any trade, industry or use prohibited in a heavy industrial zone.

40. Any other trade or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise, but no use permitted in a residence or business zone shall be excluded from a light industrial zone.

SECTION V.

Use Regulations Controlling Heavy Industrial Zones.

In a heavy industrial zone, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for any of the following specified trades, industries or uses:

1. Ammonia, chlorine or bleaching powder manufacture.

2. Arsenal, except the storage of small arms ammunition.

3. Candle manufacture.

4. Fat rendering.

5. Fertilizer manufacture.

6. Glue, size or gelatine manufacture.

7. Oilcloth or linoleum manufacture.

8. Petroleum refining.

9. Printing ink manufacture.

10. Raw hides or skins—curing or tanning.

11. Reduction of garbage, dead animals, offal or refuse.

12. Slaughtering of animals.

13. Starch, glucose or dextrine manufacture.

14. Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.

15. Tallow, grease or lard manufacture.

In a heavy industrial zone, no building shall be used and no building shall be erected which is arranged, intended or designed to be used in whole or in part as a dwelling or tenement for one or more families. This provision shall, however, not prohibit the erection and maintenance of dwelling quarters in connection with any industrial establishment of one watchman employed upon the premises. With this exception, no use permitted in a residence, business or light industrial zone shall be excluded from a heavy industrial zone.

SECTION VI.

Special Regulations Relative to Garages and Service Stations.

Under no circumstances shall a permit be issued for the erection or enlargement of a garage for more than five motor vehicles, a group of garages for more than five motor vehicles, or for a motor vehicle service station or for the conversion of any premises not so used to be used for such purposes, in any zone whether it be a business zone or an industrial zone, if any part of the lot or plot in question is situated within a distance of one hundred feet, as measured along the public street of, or in any case within any portion of a street between two intersecting streets in which portion there exists.

1. A public school.

2. A duly organized school, other than a public school, conducted for children under sixteen years of age and giving regular instruction at least five days a week for eight or more months a year.

3. A hospital, maintained as a charitable institution.

4. A church.

5. A theater containing at least 300 seats, or

6. A public library.

No exceptions to the provisions of this section shall be made by the Board of Zoning Appeals.

SECTION VII.

Non-conforming Buildings and Uses.

Any non-conforming use existing at the time of the passage of this ordinance may be continued and any existing building designed, arranged, intended or devoted to a non-conforming use, may be reconstructed or structurally altered, and the non-conforming use therein changed subject to the following regulations.

a. The structural alterations made in such building shall in no case exceed fifty per cent. of its assessed value, nor shall the building be enlarged, unless the use therein is changed to a conforming use.

b. No non-conforming use shall be extended at the expense of a conforming use.

c. In a residence zone, no building or premises devoted to a use permitted in a business zone shall be changed into a use excluded from a business zone.

d. In a residence zone or a business zone no building or premises devoted to a use permitted in a light industrial zone shall be changed into a use excluded from a light industrial zone.

e. In a residence, business or light industrial zone, no building or premises devoted to a use excluded from a light industrial zone shall be structurally altered, if its use shall have been changed since the time of the passage of this ordinance to another use also excluded from a light industrial zone.

f. In a residence, business or light industrial zone, no building devoted to a use excluded from a light industrial zone shall have its use changed to another use which is also excluded from a light industrial zone, if the building shall have been structurally altered since the time of the passage of this ordinance.

SECTION VIII.

Area Regulations Controlling Residence Zones.

a. Building area.

No building shall occupy more than seventy per cent. of the area of the lot, if an interior lot, nor more than ninety per cent. if a corner lot.

b. Rear yards:

The least dimension of a rear yard at the curb level shall be not less than twelve per cent. of the depth of the lot but need not exceed twelve feet at such level.

c. Side yards:

No side yard shall be required but if any is provided, then its least dimension shall be not less than three and one-half feet, nor less than one inch for each foot of building height.

d. Inner courts:

The least dimension of an inner court at its lowest level shall be not less than four feet. In no case shall such least dimension be less than two inches for each foot of building height. The minimum area of an inner court shall be not less than twice the square of its required least dimension.

e. Outer courts:

The least dimension of an outer court at its lowest level shall be not less than three and one-half feet nor less than one and one-half inches for each foot of building height.

SECTION IX.

Area Regulations Controlling Business and Industrial Zones.

Any building designed exclusively as a dwelling house shall be erected in conformity with the area regulations prescribed for residence zones in Section VIII, provided, however, that the limitations relating to the per cent. of lot area which buildings may occupy (paragraph a) and the size of courts and yards required (paragraphs b, c, d and e) shall be applied, not at the curb level, but at the sill level of the second story windows provided such level is not more than twenty-feet above the curb level. The regulations prescribed in the subsequent paragraphs of this section shall be deemed to apply only to buildings used exclusively for some purpose other than that of a dwelling.

a. Building area:

No building shall occupy at the sill level of the second story windows nor higher than twenty feet above the curb level more than ninety per cent. of the area of the lot, if an interior lot. A building situated on a corner lot may occupy the entire lot.

b. Rear yards:

Every building, other than one situated on a corner lot, shall have a rear yard, the least dimension of which at the sill level of the second story windows but not more than twenty feet above the curb level, shall be not less than ten per cent of the depth of the lot. The rear yard at such level need not, however, exceed ten feet on lots more than one hundred feet deep. But in no case shall such least dimension be less than one and one-half inches for each foot of building height.

c. Side yards:

No side yard shall be required but if any is provided, then its least dimension at its lowest level shall be not less than three and one-half feet nor less than one inch for each foot of building height.

d. Inner courts:

The least dimension of an inner court at its lowest level shall not be less than four feet. In no case shall such least dimension be less than one and one-half inches for each foot of building height. The minimum area of an inner court shall be not less than twice the square of its required least dimension.

e. Outer courts.

The least dimension of an outer court at its lowest level shall be not less than three and one-half feet. In no case shall such least dimension be less than one and one-half inches for each foot of building height.

SECTION X.

General Provisions Relative to Area Regulations.

a. Unless otherwise expressly provided, the term rear yard, side yard, inner court or outer court, when used in this ordinance shall be deemed to refer only to a rear yard, side yard, inner court or outer court required by this ordinance. No lot area shall be so reduced or diminished that the yards, courts or other open spaces shall be smaller than prescribed by this ordinance. No existing building shall be altered, enlarged or rebuilt except in conformity with the regulations herein prescribed.

b. Except as otherwise provided in this ordinance, every room in which persons live, sleep, work or congregate shall have at least one window or ventilating skylight opening directly either upon a street or upon a rear yard, front yard, side yard, inner court or outer court located upon the same lot and conforming to the requirements prescribed by this ordinance as to its minimum area and least dimensions. Courts, yards and other open spaces, if provided in addition to those required by this ordinance, need not be of the area and dimensions herein prescribed. No yard, court or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall again be used as a yard, court or other open space for another building. The provisions of this ordinance shall not be deemed to apply to courts or shafts for bathrooms, toilet compartments, hallways or stairways.

c. A rear yard extending along the rear lot line shall be required on every lot or portion thereof where the rear line of the lot is more than fifty-five feet back from the nearest street. This provision shall, however, not apply to a corner lot situated in either a business or an industrial zone. An alley in back of lots to the extent of one-half of its width shall be deemed to fulfill the requirements of a rear yard.

d. An interior lot running through the block from street to street, or within fifty-five feet of another street shall not be required to provide a rear yard when improved with a single building. When situated between lots requiring rear yards on either or both sides, such lots shall, however, be required to provide an inner court on such side or sides on which the adjoining lots are required to provide rear yards. Where such lot is not within a residence zone, the lowest level of such inner court or courts shall not be above the sill level of the second story windows nor in any case more than twenty feet above the curb level. Where such lot is within a residence zone, the lowest level of such inner court or courts shall not be above the curb level.

e. Accessory buildings may occupy forty per cent. of the required area of the rear

yard up to an average height of fifteen feet above the curb level in a residence zone. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon in any given zone.

f. Chimneys or flues may be erected within a rear yard, provided they do not exceed five square feet in the aggregate and do not obstruct ventilation.

g. The area required in a court or yard at any given level shall be open from such level to the sky unobstructed except for the ordinary projections of skylights and parapets above the bottom of such court or yard, and except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four inches.

h. An open or lattice enclosed iron fire escape or solid-floored balcony to a fire tower may project four feet into a rear yard.

i. A corner of a court or yard may be cut off between the walls of the same building provided that the length of the wall of such cut-off does not exceed seven feet, and further provided that the required area of the court or yard is not diminished.

j. Windows opening on an offset to a court or yard shall be deemed to comply with the provisions of this ordinance, provided such offset is no deeper in any part than it is wide on the open side. The open side of such offset shall in no case be less than six feet wide. The area contained in an offset shall in no case be included in computing the required area of a court or yard.

k. Notwithstanding any provision in this ordinance to the contrary, any building designed either in whole or in part as a tenement house shall be governed exclusively by the provisions of the tenement house law with reference to the size of courts and yards and the proportion of the lot area which buildings may occupy. Every tenement house shall, however, be subject to all the provisions of this ordinance relative to the height and use of buildings.

SECTION XI.

Height Regulations.

a. Residence Zones No. 1 and Business Zones No. 1:

In residence zones No. 1, and business zones No. 1, no building shall be erected to a height in excess of seventy-five feet.

b. Residence Zones No. 2.

In residence zones No. 2 no building shall be erected to a height in excess of one hundred and twenty-five feet.

c. Business Zones No. 2 and Light Industrial Zones:

In business zones No. 2 and in light industrial zones, no building shall be erected to a height in excess of one hundred and fifty feet.

d. Heavy Industrial Zones:

In heavy industrial zones, no building shall be erected to a height in excess of one hundred and eighty-five feet.

e. Special Provisions Relative to Business Zones No. 2 and Light and Heavy Industrial Zones:

In business zones No. 2, light and heavy industrial zones, no building shall be erected to a height in excess of two and one-half times the width of the widest street on which it fronts. No building, moreover, shall be erected to a height in excess of fifty feet upon any street unless its width upon such street shall be equal to at least one-half of its height. For the purpose of limiting the height of buildings, no street in business zones No. 2, a light or heavy industrial zone, shall be deemed to have a width of less than fifty feet. Any building or any part of a building fronting on a street within one hundred feet of its intersection with a wider street shall have its height governed on the narrower street by the width of the wider street. A building situated on an interior lot running through from street to street shall, where the streets are of different widths, have its height governed by the width of the wider street for a distance of 100 feet back of such street if the distance between the two streets is more than 200 feet. A corner building at the intersection of two streets of different widths shall have its height governed on the narrower street for a distance of 100 feet back of such street, if the distance between the two streets is more than 200 feet. A corner building at the intersection of two streets of different widths shall have its height governed on the narrower street by the width of the wider street for a distance of one hundred and fifty feet. Where, under the foregoing provisions not more than one hundred feet of a street frontage would otherwise be subject to a height limit lower than that allowed immediately beyond both ends of such frontage, the height limit on such frontage shall be the lesser of such greater height limits.

e. Towers:

Nothing in this section shall prevent the erection of a tower or towers to any height in business zones No. 2, provided: (1) that the area of such tower or towers above the height limit fixed for buildings by the preceding paragraph shall not be in excess of twenty-five per cent. of the area of the lot; and (2) that an open space shall be left above the height limit fixed for buildings by the preceding paragraph on each and every lot line which is not also a street line, such open space being at least of the minimum dimensions prescribed for a side yard in business zones No. 2, having a height equal to the maximum height of the tower above the curb level.

f. Parapets and Cornices:

Nothing in this ordinance shall prevent the erection above the height limit of a parapet wall or cornice extending above such height limit not more than three feet. Nothing in this ordinance shall prevent the projection of a cornice beyond the street wall to an extent of not more than three feet.

SECTION XII.

Board of Zoning Appeals.

a. A Board of Zoning Appeals is hereby established. Said board shall consist of five members appointed by the Mayor. Of the original appointees to such board one member shall be appointed for a term of one year, two members for a term of two years and two members for a term of three years. All appointees to fill vacancies shall be for the unexpired term. Said board shall elect a chairman and such other officials and employes as shall be necessary. The members of the board shall receive no compensation for their services.

The board of zoning appeals may, in a

specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations herein established in harmony with their general purpose and intent, without changing the boundaries of the respective zones, as follows:

1. Where a zone boundary line divides a lot in a single ownership at the time of the passage of this ordinance, permit a use authorized on either portion of such lot to extend to the entire lot but not more than twenty-five feet beyond the boundary line of the zone in which such use is authorized.

2. Permit the extension of a non-conforming use or building upon the lot occupied by such use or buildings at the time of the passage of this ordinance.

3. Permit the erection of an additional building upon a lot occupied at the time of the passage of this ordinance by a business or industrial establishment and which additional building is a part of such establishment where carrying out the strict letter of the provisions would result in practical difficulties or unnecessary hardship.

4. Adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

5. Vary any requirement of this ordinance in harmony with its general purpose and intent, so that substantial justice may be done.

6. Permit in a business zone, subject to the prohibition of Section VI, the construction, extension, alteration or conversion of a building intended for the storage of motor vehicles or for a motor vehicle service station.

7. Permit the storage of not more than one commercial truck in an accessory garage located in a residence zone.

8. Report to the Board of Commissioners upon all amendments proposed to the provisions of this ordinance and upon all changes proposed in the boundaries of the different kinds of zones as laid down upon the building zone map.

(b) All meetings of the board of zoning appeals shall be public. The presence of four members shall be necessary for a quorum. The clerk to the board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The final disposition of any appeal shall be in the form of a resolution either reversing, modifying or affirming the decision of the building inspector. If a resolution fails to receive four votes in favor of the appellant, the action shall be deemed a denial, and a resolution denying the appeal shall be entered upon the record.

SECTION XIII.

Plats.

All applications for building permits shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the setback line observed by buildings within the block and such other information as may be necessary to provide for the enforcement of the regulations contained in this ordinance. A record of such applications and plats shall be kept by the building inspector.

SECTION XIV.

Certificates of Occupancy.

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector, stating that the premises or building complies with all the provisions of this ordinance.

No change or extension of use and no alterations shall be made in a non-conforming use of premises without a certificate of occupancy having first been issued by the building inspector that such change, extension or alteration is in conformity with the provisions of this ordinance.

Certificates of occupancy shall be applied for at the same time that the building permit is applied for and shall be issued within ten days after the erection or alteration of the building shall have been completed. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished upon request to any persons having a proprietory or tenancy interest in the building affected. A fee of two dollars shall be charged for each original certificate and one dollar for each copy thereof.

No permit for excavation for, or the erection of any building shall be issued before application has been made for a certificate of occupancy. No building or premises may be occupied until such certificate shall have been issued.

SECTION XV.

Completion and Restoration of Existing Buildings.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued or plans for which are on file with the building inspector at the time of the passage of this ordinance and a permit for the erection of which is issued within three months of the passage of this ordinance and the construction of which, in either case, shall have been diligently prosecuted within a year of the date of such permit, and the ground story framework of which, including the second tier of beams, shall be completed according to such plans as filed within two years from the date of the passage of this ordinance.

Nothing in this ordinance shall prevent the restoration of a building destroyed by fire, explosion, act of God or act of the public enemy, to the extent of not more than fifty per cent (50%) of its assessed value, or prevent the continuance of the use of such building or part thereof or prevent a change of such existing use under the limitations provided in Section VII. But any building destroyed in the manner aforesaid to an extent exceeding fifty per cent (50%) of its assessed value at the time of such destruction may be reconstructed and thereafter used only in such a manner as to conform to all the provisions of this ordinance.

SECTION XVI.

Zone Boundaries.

The zone boundaries are, unless otherwise indicated, either street lines or lines drawn parallel to and one hundred feet back from one or more of the street lines bounding a block. Where two or more zone designations are shown within a block two hundred feet or less in width, the boundary of the more restricted zone shall be deemed

one hundred feet back from its street line. Where two or more zone designations are shown within a block more than two hundred feet in width, the boundary of the less restricted zone shall be deemed one hundred feet back from its street line.

SECTION XVII.

Amendments, Alterations and Change in Zone Lines.

The Board of Commissioners may from time to time on its own motion or on petition, after public notice and hearing, amend, supplement or change the regulations and zones herein established. Whenever the owners of fifty per cent or more of the frontage in any zone or part thereof shall present a petition duly signed to the Board of Commissioners, requesting an amendment, supplement, change or repeal of the regulations prescribed for such zone or part thereof, it shall be the duty of the Board to vote upon said petition within ninety days after the filing of the same by the petitioners with the city clerk. If, however, a protest against such amendment, supplement, change or repeal of the regulations is presented, duly signed and acknowledged by the owners of twenty per cent or more of any frontage proposed to be altered, or by the owners of twenty per cent. of the frontage immediately in the rear thereof, or by the owners of twenty per cent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a three-quarters vote of the Board. If any area is hereafter transferred to another zone by a change in zone boundaries, by an amendment as above provided, the provisions of this ordinance shall apply to buildings or premises existing at the time of the passage of such amendment in such transferred area.

SECTION XVIII.

Interpretation of Regulations.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings, or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this ordinance shall control.

SECTION XIX.

Enforcement and Penalties.

It shall be the duty of the building inspector strictly to enforce all the provisions of this ordinance. The general agent, architect, builder, contractor, owner or tenant or any other person who commits, takes part or assists in any violation of this ordinance or who maintains any building or premises in which any violation of this ordinance shall exist, shall for each and every violation, be imprisoned in the Hudson County jail for a period not exceeding thirty days or be fined not exceeding two hundred dollars ($200.00) or both. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION XX.

Definitions.

Certain words in this ordinance are defined for the purposes thereof as follows:

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure."

(b) A "non-conforming building or use" is one that does not conform with the regulations of the zone in which it is situated.

(c) A "lot" is a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

(d) A "corner lot" is a parcel of land not over fifty feet in width at the junction of and fronting on two intersecting streets.

(e) An "interior lot" is a lot other than a corner lot.

(f) The "depth of a lot" is the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

(g) The "street line" is the dividing line between the street and the lot.

(h) A "rear yard" is an open, unoccupied space on the same lot with a building between the rear wall of the building and the rear line of the lot.

(i) A "side yard" is an open, unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street to the rear yard, or where no rear yard is required, to the rear line of the lot.

(j) An "inner court" is an open, unoccupied space on the same lot with a building not extending to either the street or the rear yard.

(k) An "outer court" is an open, unoccupied space on the same lot with a building extending to either the street or the rear yard.

(l) The "building area" is the maximum horizontal projected area of a building and its accessories.

(m) The "least dimension" of a court or yard is the least of the horizontal dimensions of such court or yard.

(n) The "length of an outer court" is the horizontal distance between the end opening on a street or a rear yard and the end opposite such street or rear yard.

(o) The "height of a court or yard" is the vertical distance between the lowest level of such court or yard to the highest point of any bounding wall. Where there is no gable or mansard, the height shall be measured to the eaves; where there is a gable or mansard, the height shall be measured to the average height of such gable or mansard provided the combined width of all the dormers in the roof shall not exceed thirty per cent of the length of the building on the court or yard. In case the combined width of all the dormers exceeds thirty per cent of the length of the building on the court or yard, the height shall

be measured to the eaves of the highest dormer. In any given case, the height of a court or yard shall be measured to the eaves, gable or mansard giving it the maximum height.

(p) The "height of a building" is the vertical distance measured in the case of flat roofs from the curb level to the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs from the curb level to the average height of the gable. In the case of both flat roofs and pitched roofs, the measurement shall be made through the center of the street facade. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured from the curb level to the highest point of the building. Where the walls of a building do not adjoin the street, the average level of the ground along the front wall of the building may be taken in measuring the height instead of the curb level.

(q) A "family" is any number of individuals living and cooking together on the premises as a single housekeeping unit.

(r) The "curb level" is the permanently established grade of the street in front of the lot. Where the lot level is higher than the curb level, the average level of the former along the wall in question may be taken as the base for measuring the height of a side yard, inner court or outer court. Where a lot fronts upon two or more streets of different levels, the curb level of the higher street may be taken as the base for measuring the height of open spaces and buildings.

SECTION XXI.

Validity of Ordinance.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION XXII.

When Effective.

This ordinance shall take effect immediately.

P. R. GRIFFIN,
GUSTAV BACH,
HARRY L. SCHMULLING,
BERNARD McFEELY,
J. H. LONDRIGAN,
Commissioners.

Passed January 17, 1922.

DANIEL A. HAGGERTY, City Clerk.